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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/764,394	12/11/96	WATANABE	H 7217/52300

LM61/0203

EXAMINER

JAY H MAIOLI
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NEW YORK NY 10036

ART UNIT

PAPER NUMBER

2732

DATE MAILED:

02/03/98

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on 12/11/96
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-6 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-6 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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1. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).
2. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the text in lines 16-17 is confusing since it appears that the first and the second CPU perform the same function, executing process for connecting the first telephone set to the server. In addition, "said digital audio signal" (line 19) and "said data" (line 22) lack antecedent basis.

In claim 2, it is not clear if the "packets of data" (line 2) are related to the audio signal recited in claim 1.

In claims 3 and 5, it is not clear what is disclosed that corresponds to the addresses assigned to the CPU's of claim 3 or the connection control means of claim 5.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

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were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwami et al. (Iwami) in view of Eckley. In U.S. patent No. 5,604,737 Iwami discloses a plurality of communication terminals 10 connected to a server 20 for communicating voice using packets. See Fig. 1, 2 and col. 7 and 8. Iwami does not teach connection control means for connecting the processors 17 (CPU) of the terminals 10 to the server 20 tp a telephone network. It is common knowledge in the art that if Local Area Network connecting terminals to a sever is not available, terminals are often connected to a server via a telephone line. In U.S. patent No. 4,740,963 Eckley shows a multiplexer 49 for connecting voice and data terminals to a single telephone line. See Fig. 2 and col. 4. In view of Eckley, to use a multiplexer for connecting a plurality of terminals 10 to a telephone line would have been obvious to one of ordinary skill in the art with the motivation being to simultaneously transmit/receive data from a plurality of sources over a telephone.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

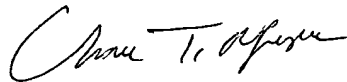
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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau T. Nguyen whose telephone number is (703) 308-5340. The examiner can normally be reached on Monday through Friday from 7AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W. Olms, can be reached on (703) 305-4703. The fax phone number for this Group is (703) 308-9051.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

C. Nguyen
(703)308-5340



Chau T. Nguyen
Primary Examiner